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Remarks / Arguments

Claim 28 has been amended to provide further clarification. New claim 29 has been added to provide adequate coverage for Applicants' contribution to the art. Support for the presented claims can be found at least at page 4, line 28 through page 5, line 4; page 5, lines 10-12; page 8, lines 17-18; page 18, lines 21-30; and at original Figures 3, 4, 11 and 12. No new matter has been added. Reconsideration of the present application in view of the foregoing amendments and the following remarks is requested.

The present invention provides an absorbent article configured for disposition within the vestibule of a female wearer. The absorbent article comprises an absorbent having an upper surface and a configuration that defines at least one fluid intake enhancement means. The fluid intake enhancement means is located on the upper surface and is capable of allowing bodily fluids to be more rapidly absorbed into the absorbent. In particular aspects, the slit can extend through at least about 50 percent of the z-axis thickness of the absorbent, and the slit can be configured to provide an increased surface area of the absorbent when the article is folded prior to disposition within the vestibule of the wearer. Other aspects are set forth in the specification and claims.

The article of the invention can allow bodily fluids to be more rapidly absorbed into the absorbent when the article is folded from a previous condition where the upper surface of the article is flat or concave. Additionally, the article can reduce chafing and irritation of the wearer, can provide an improved fit that is less likely to become dislodged from the wearer, and can help reduce the likelihood of undesired leakage.

Claims 1, 3-5, 9, 21-23, 27, and 28 have been rejected under 35 U.S.C. § 102(e) as allegedly being unpatentable over U.S. Patent Number 6,254,584 to Osborn III, et al. (hereinafter Osborn). The rejection is respectfully **traversed** to the extent that it may apply to the currently presented claims.

As described by Osborn, an interlabial absorbent structure comprises a pair of absorbent panels that are sufficiently flexible such that the panels can, at least partially, conform to the walls of a wearer's interlabial space. The panels are joined by an isthmus which is positioned farthest into a wearer's interlabial space when the interlabial absorbent product is worn. Alternative embodiments of the isthmus are also described which direct bodily fluids that are deposited thereon along the longitudinal length of the interlabial absorbent structure.

Osborn, however, does not teach a construction where a slit extends through at least about 50 percent of the thickness of the absorbent as called for by Applicants' currently presented claims. The Examiner has asserted that the slit 127 extends through at least 50% of the thickness of the

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absorbent, as shown in Figure 4 of Osborn. Contrary to the Examiner's assertion, the folded channel clearly does not extend through at least 50% of the thickness of the absorbent. A proper interpretation of the folded channel structure shown in Figure 4 of Osborn would reveal that the channel extends along no more than approximately a third of a possible height measurement of the shown article. Such height measurement would extend between the level of the upper-most, convex regions at 23A and 23B of the shown article, and the level of the bottom-most lower-surface of the folded article portion that lies immediately below the center of the channel fold. In actuality, the channel does **not** extend **through** that thickness of the article. The article of Osborn is folded to provide a channel arrangement, but as taught by Osborn, the forming of the channel arrangement produces a corrugation that actually leaves the thickness of the absorbent unchanged. As taught by Osborn, the disclosed channel does **not** extend **through** that thickness of the article.

Additionally, Osborn does not teach a configuration where the slit is configured to provide an increased surface area of the absorbent which allows bodily fluids to be more rapidly absorbed into the absorbent when the article is folded for disposition within the vestibule of the wearer, as called for by the claimed invention. To the extent that the folded isthmus taught by Osborn would form a channel along the height dimension of the Osborn article, the structures taught by Osborn do **not** provide an increased surface area of the absorbent when the article is folded for disposition within the vestibule of the wearer. As taught by Osborn, the upper surface of the isthmus disclosed by Osborn provides the same exposed surface area, whether the Osborn article is folded or unfolded.

As a result, when compared to the configurations called for by Applicants' currently presented claims, the structures taught by Osborn would be less able to provide an increased surface area when the article is folded from a previous condition where the upper surface is flat and would be less able to rapidly absorb bodily fluids into the absorbent. Additionally, the structures taught by Osborn would be less able to reduce the likelihood of undesired leakage. It is, therefore, readily apparent that Osborn does not disclose or suggest Applicants' claimed invention.

Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. § 102 are respectfully requested.

Claims 1, 6-9 and 24-28 have been rejected under 35 U.S.C. § 102(e) as allegedly being unpatentable over U.S. Patent Number 6,319,238 to Sartorio et al. (hereinafter Sartorio). The rejection is respectfully **traversed** to the extent that it may apply to the presently presented claims.

Sartorio describes an absorbent article designed and configured to fit between the labia. The article employs a plurality of stacked, flexible elements. FIG. 2 of Sartorio shows an end view of an alternative embodiment of an article comprising a base member and channels between adjacent

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flexible elements. Sartorio, however, does **not** disclose or suggest an article comprising an absorbent, where the absorbent has an upper surface, and the upper surface has a slit located thereon, as called for by Applicants' currently presented claims. Sartorio also does **not** teach a construction where the upper surface of the article has a slit which extends through at least about 50 percent of the z-axis thickness of the absorbent, as called for by the claimed invention.

The Examiner has pointed to element 40, as shown in Figures 2, 3, 4, and 6 of Sartorio, and has asserted that element 40 a "slit". The Examiner has further pointed to Figure 5 of Sartorio and asserted that the slits 40 extend through at least 50% of the thickness of the absorbent 30. A proper interpretation of the structure illustrated in Figures 5 and 6, however, would find that the channels extend into the lateral **width** dimension of the interlabial article. As taught by Sartorio, the channels do **not** extend into the z-axis thickness, as called for by the presented claims. In particular, Sartorio defines element 22 as a body-facing side that penetrates the labia (Sartorio at col. 2, line 61) and defines element 23 as an opposing side (Sartorio at col. 2, lines 61-62). Sartorio calls the distance from side 22 to side 23 the height 24, as illustrated in Figures 5 and 6. Accordingly, the height dimension 24 of Sartorio corresponds to the z-axis thickness dimension recited in Applicants' claims and specification. As a result, it is readily apparent that the disclosure of Sartorio does **not** disclose or suggest an article comprising an absorbent, where the absorbent has an upper surface, and the upper surface has a slit located thereon and the slit extends through at least about 50 percent of the z-axis thickness of the absorbent, as called for by Applicants' currently presented specification and claims.

Additionally, Sartorio does not teach a configuration where the slit is configured to provide an increased surface area of the absorbent which allows bodily fluids to be more rapidly absorbed into the absorbent when the article is folded prior to disposition within the vestibule of the wearer, as called for by the claimed invention. To the extent that the channels taught by Sartorio extend into the disclosed article, the channels would at best retain the same exposed surface area when the Sartorio article is folded for disposition in the vestibule of the wearer. In all likelihood, the channels would close and reduce the amount of exposed surface area. Accordingly, the structure taught by Sartorio would not provide the configurations called for by the claimed invention and would operate in a contrary manner. When compared to the configurations called for by Applicants' currently presented claims, the structures taught by Sartorio would be less able to provide an increased surface area which allows bodily fluids to be rapidly absorbed into the absorbent when the article is folded from a previous condition where the upper surface of the absorbent is flat or concave. Additionally, the structures taught by Sartorio would be less able to reduce irritation and chafing.

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and would be less able to reduce the likelihood of undesired leakage. It is, therefore, readily apparent that Sartorio does not disclose or suggest Applicants' claimed invention.

Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. § 102(e) are respectfully requested.

For the reasons stated above, it is respectfully submitted that all of the presently presented claims are in form for allowance. Accordingly, reconsideration and withdrawal of the rejections, and allowance of the currently presented claims are earnestly solicited.

Please charge any prosecutorial fees that are due to Kimberly-Clark Worldwide, Inc. deposit account number 11-0875.

The undersigned may be reached at: 920-721-2435.

Respectfully submitted,

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CERTIFICATE OF TRANSMISSION

I, Judith M. Anderson, hereby certify that on January 19, 2004 this document is being transmitted to the United States Patent and Trademark Office via facsimile.

By: Judith M. Anderson

Judith M. Anderson